Mr. K. Narayana Menon
Mr. P. K. Krishnan
Mr. N. V. Subbarayan Chetty

Noes

Mrs. A. N. Menon
Mr. V. K. Bhaskara Menon
Mr. H. J. Walmsley
Mr. P. V. Raphael
Mr. V. K. Aravindaksha Menen
Rao Sahib I. N. Menon
Mr. Parambi Lonappan
Rao Sahib Dr. T. Verghese
Mr. A. Eachara Menon
Khan Sahib Y. M. Roshan Sahib Bahadur
Mr. T. Narayana Menon
Mr. M. Sivarama Menon
Mr. M. M. Paul
Mr. C. J. Mathew
Mr. A. Madhava Prabhu
Rama Varmha Tampuran

Deputy President. 19 against 16. *The motion is carried.*

CUT MOTION No. 64

Educational concessions to the dependents of a certain class of people

Mr. K. Narayana Menon *(Mulakunnathukavu):* Sir, I rise to move to *reduce the allotment of Rs. 17, 996 for Direction and Inspection—Establishment of the Director by Re. 1. (To impress upon the Government the necessity of widening the scope of the Government order D2. 6288/18 dated 6th February 1943 so as to bring same on a par with the Madras Government G. O. on the subject as far as the Educational Concessions to the dependents of that class of the people mentioned in the G. O. who are bona fide Cochintes are concerned).*

In this respect, Sir, I have to remind this House that there are two orders of our Government granting concessions to the dependents of people who are now serving under His Majesty's Colours. They are Order No. 220 and G. O. No. 592. As there is hardly time I do not propose to read them but I would only submit that these rules afford far lesser concesssions than the Madras order on which we base our schemes. The first line in the Madras order will suffice. It is to this effect. Children, wives, dependents, brothers and sisters of the soliders who come under the British Army Act are liable to educational concessions sanctioned to wives, dependants, daughters, sons, etc. of soldiers under the Indian.....

Deputy President: Mr. Narayana Menon, the demand will have to be put to vote at 3-50 p. m.

Mr. K. Narayana Menon *(Mulakunnathukavu):* Therefore, I pray that this order of the Madras Government may be brought into force here.

Mr. K. J. Thomas *(Latin-Christians Kanayannur):* My motion which comes next is also the same. I would therefore support the motion and sit down.

Rao Sahib I. N. Menon *(Director of Public Instruction):* Sir, it is very easy for the Hon'ble Mover to say "I move the motion." For us it is very difficult to say "No." There is no time to explain the Government's position.

Deputy President: You can begin your reply.

Rao Shib I. N. Menon *(Director of Public Instruction):* Sir, the Government finds it extremely difficult to accept this point contained in the cut motion on financial as well as other grounds, mainly financial. For one thing.....

Deputy President: It is time to put the demand.

Demand for Rs. 22,20,815—Re. 1, put and carried

14—Education—Cranganur—Rs. 72,356

Rao Sahib I. N. Menon *(Director of Public Instruction):* Sir, I move for an allotment of Rs. 72,356 under 14, Education, Cranganur.

Demand put and carried

17. Law and Justice—Rs. 2,22,898

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move for a grant of Rs. 2,22,898 under 17, Law and Justice. There are a large number of cut motions under the head "Law and Justice" rather an unusual number and I reserve what I have to say when the respective cut motions are taken up.

CUT MOTION No. 65

Stopping payments for affidavits, etc.

Mr. V. J. Mathai *(Planters):* Sir, I move *to reduce the allotment of Rs. 4030 for Law and Justice Establishment by Re. 1. (Stopping of all mamools and especially the practice of receiving 4 annas for every affidavit by the Officers who have power to certify them.)*

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I ought to amend it by saying some of the officers.

Sir, it is well-known that affidavits have to be put in for almost every application in the court today where some proper relief is required at the hands of the Court. Even for an adjournment of the case what is required is an affidavit. It will not be surprising if in a particular case 5, or 10 or 20 affidavits are put in and I understand, Sir, that there is a usual mamool, in other words, a custom by which annas 4 are collected by the officers in those courts, who have power to certify them. As everybody knows it is not everyone who can certify affidavits. If it is said that every M.L.C. or a Municipal Councillor can certify the affidavits they will not be waiting in these courts. Therefore the litigant public who wants to go to the courts have necessarily to go to the officers of the court who have power. The object of my motion is to stop the practice now prevailing. If the Government are not aware of such a practice, which I do not think they will say, I would request them to enquire into the matter, and stop all these customary practices and emulate the example of Justice Young of the Allahabad High Court who set out to remove all such practices which are really hard upon the ordinary man.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, Government are one with the Hon'ble Member for Planters in thinking that if there is a practice prevailing in the State, no matter, however small it may be, it should be rigorously put down because the receipt of mamools tantamounts to receiving an illegal gratification which is a form of corruption coming within the four corners of the definition of "corruption" in the Cochin Penal Code. The only difficulty in this matter is whenever an allegation is made that an officer has taken bribes it is always difficult to get at the truth. On a previous occasion when complaints of this nature were made in this House regarding corruption amongst the lower officers in the Judicial Department, the Judges of the High Court met in a meeting and opined that if any such case comes to their notice very rigorous action will be taken and the Munsiffs also were requested to take very stringent action whenever such cases are brought to their notice. If in this matter the Advocates will make it a point to see that neither their clerks nor their clients will encourage or promote this practice, by refusing to give such mamools it will go a great way to put down corruption. It is only those persons who actually come in contact with such officers in their professional work that will be in a position to give accurate information regarding such practices. It is not at all likely that when the Government starts upon an enquiry they will be willing to give evidence. I make bold to say that if any case of such receipt of illegal gratification comes to the notice of the Government, the Government will offer condign punishment to that public servant. It is certainly to the interests of the Government also that the public service is devoid of such corrupt officers and whatever be the nature of the gratification, whether it be mamools or otherwise, it tantamounts to an illegal gratification and Government can assure this House that whenever there are any complains forthcoming supported by proper evidence it will be the prime duty of Government to dismiss that officer when justice demands such a course to be taken.

Mr. V. J. Mathai *(Planters):* I am thankful to the Government for the expression of their agreement on this question with me. I have only to suggest to the Government that so far as this practice is concerned, which I dare say everybody knows, the first step that the Government has to take will be to request their Lordships, the Judges of the High Court, to issue straight away a circular to the officers concerned and pass it at the proper places. I hope the Hon'ble Advocate-General knows which are those proper places. The circular may state that the demand for the receipt of anything for affidavits and the like are prohibited and will entail condign punishment.

Mr. M. Sivarama Menon *(Advocate-General):* There are already judicial circulars.

Mr. V. J. Mathai *(Planters):* I request the Government to paste a poster at the proper places in bold characters which will not cost very much brohibiting the payment or receipt of all mamools for affidavits and the like. Secondly it will help a new comer who could easily be imposed upon. If it is a public enquiry I dare say witnesses will not be coming. Everybody knows that the fate and prospects of an Advocate depends upon the terms on which he moves with such officers. I do not want to go any further since I want to keep this debate on a high level. Paste such a notice in the prominent places so that it may help the private individuals, the farmers and the like, who cannot find four annas even for their meals. I hope these suggestions will receive the attention it deserves, at the proper quarters. In the light of what I have stated above I beg leave of the House to withdraw the motion.

Motion, by leave, withdrawn

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